IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 6TH AUGUST 2007 / 15TH SRAVANA 1929

WP(C).No. 23707 of 2007(V)

PETITIONER:

JOHN V.CHACKO,
(RETIRED SPECIAL GRADE CLERK, K.S.R.T.C.),
KADAVACKAL HOUSE, CANAL WARD, ALAPPUZHA.

BY ADV. SRI.C.J.XAVIER

RESPONDENTS:

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1. THE MANAGING DIRECTOR,
KERALA STATE ROAD TRANSPORT CORPORATION,
CHIEF OFFICE, THIRUVANANTHAPURAM.

2. THE FINANCIAL ADVISOR & CHIEF ACCOUNTS
OFFICER, CHIEF OFFICER, KERALA STATE ROAD
TRANSPORT CORPORATION, THIRUVANANTHAPURAM.

3. THE KERALA STATE ROAD TRANSPORT CORPN.,
SERVICE AND PENSIONERS ADALATH, OFFICE OF THE
MANAGING DIRECTOR, K.S.R.T.C., CHIEF OFFICE,
THIRUVANANTHAPURAM.

4. THE DISTRICT TRANSPORT OFFICER,
K.S.R.T.C., ALAPPUZHA.

BYSC SRI. K.PRABHAKARAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No.23707 of 2007

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Dated this the 6th day of August, 2007

JUDGMENT

Case of the petitioner is as follows interalia:

Petitioner has been working as Lower Division Clerk. Posting was made following the procedures prescribed. He was promoted as Upper Division Clerk with effect from 18.4.1997. He was working as Selection Grade Clerk from 18.4.2003 and as Special Assistant from 18.4.2006. He was absent from December, 1993 to June, 1995 on medical grounds. It is stated that he was granted only pre-revision pay scale of 1993. It is stated that the petitioner has made repeated prayers for granting arrears of pay resultant to the promotion he has got and pay revision. Ext.P2 is one such submission. It is his further case that his younger son has got selection as Cadet in Euro Tech approved by the Director General of Shipping, Government of India. Petitioner submitted Ext.P3 application before the KSRTC Service/Pension' Adalath and the same is pending. He needs initial expenses for the admission of his second son. He has already remitted substantial amount. If the balance amount of fee and other expenses is not

remitted, the amount already remitted will be forfeited. The prayer in the writ petition is to direct respondents 1 and 2 to give arrears of pay rightly due to him by way of the promotions granted to him. The further prayer is to grant pension benefits towards DCRG and Commuted Value of Pension.

2. I heard learned counsel appearing on behalf of the respondents also.

3. Having regard to all facts, the writ petition is disposed of as follows:

Petitioner has already made Ext.P7 in regard to pay revision. Therefore there will be a direction to the first respondent to consider and take a decision on Ext.P7 in accordance with law within a period of one month from the date of receipt of a copy of this judgment in regard to the prayer for payment of arrears of pay on the basis of the revision. I feel that petitioner is entitled to a partial deviation from seniority in the matter of payment of DCRG/Commuted Value of Pension in the circumstances pointed out.

Accordingly there will be a direction to the first respondent to disburse the amount due to the petitioner as DCRG or Commuted

Value of Pension, whichever is higher within a period of ten days from the date of receipt of a copy of this judgment.

sb (K.M. JOSEPH, JUDGE)